

**OREGON COASTAL NONPOINT PROGRAM
NOAA/EPA FINAL FINDING**

FOREWORD

This document contains the bases for the final determination by the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) (collectively, the federal agencies) that the State of Oregon (State) has failed to submit an approvable Coastal Nonpoint Pollution Control Program (Coastal Nonpoint Program) as required by Section 6217(a) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA), 16 U.S.C. 1455b. NOAA and EPA arrive at this decision because the federal agencies find that the State has not fully satisfied all conditions placed on the State's Coastal Nonpoint Program.

On January 13, 1998, the federal agencies approved the Oregon Coastal Nonpoint Program subject to specific conditions that the State still needed to address (see "Oregon Conditional Approval Findings"). Since then, the State has made incremental modifications to its program and has met most of those conditions.

On December 20, 2013, the federal agencies provided notice of their intent to find that the State has not fully satisfied the conditions related to new development, onsite sewage disposal systems (OSDS), and additional management measures for forestry (see "Oregon Coastal Nonpoint Program NOAA/EPA Proposed Finding"). The federal agencies invited public comment on the proposed findings relating to these conditions, as well as the extent to which those findings support a finding that the State failed to submit an approvable program under CZARA.

The federal agencies also invited public comment on the adequacy of the State's programs and policies for meeting the CZARA 6217(g) agriculture management measures and conditions placed on Oregon's Coastal Nonpoint Program. Comments were requested based on concerns the federal agencies had heard about agriculture nonpoint source management in the state and the National Marine Fisheries Services (NMFS) citing of insufficient riparian buffers around agriculture activities as a contributing factor to coho salmon decline, ~~the federal agencies also invited public comment on the adequacy of the State's programs and policies for meeting the CZARA 6217(g) agriculture management measures and conditions placed on Oregon's Coastal Nonpoint Program.~~ Because the December 20, 2013's notice of intent did not propose a specific decision on whether or not Oregon had satisfied the CZARA 6217(g) agriculture management measures and the public did not have an opportunity to comment on a specific proposed decision and rationale for that decision, the adequacy of Oregon's agriculture programs is not currently a basis for these final findings that Oregon has failed to submit an approvable coastal nonpoint program. The public will have an opportunity to comment on NOAA and EPA's proposed decision regarding the agriculture management measures when the adequacy of the entire program is considered at a later date. (See "NOAA and EPA Response to Comments Regarding the Agencies' Proposed Finding that Oregon has Failed to Submit a Fully Approvable Coastal Nonpoint Program" for a summary of the comments received and NOAA and EPA's response to them.)

In response to NOAA and EPA's proposed findings, Oregon provided an additional submission in support of its coastal nonpoint program on March 20, 2014 (see "Oregon's Response to Proposed Disapproval Findings").

NOAA and EPA have carefully reviewed the public comments received and the State's March 2014 submission and have made a final determination that Oregon has failed to submit an approvable coastal nonpoint program. This decision is based on the State's failure to address the additional management measures for forestry condition. Based on information the State provided in March, the federal agencies believe that Oregon has now satisfied the conditions for new development and OSDS so these conditions are no longer a basis for the finding that Oregon has failed to submit an approvable coastal nonpoint program. NOAA and EPA's decision on the adequacy of the State's programs and policies for meeting the CZARA 6217(g) agriculture management measures will be made when the adequacy of the entire program is considered at a later date.